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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/965,174
Filing Date: September 27, 2001
Appellant(s): GAU ET AL.

Katherine R. Vieyra
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 4, 2008 appealing from the Office
action mailed July 3, 2007

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

A substantially correct copy of appealed claims 7-12 appears on page 14 of the Appendix to the appellant's brief. The minor errors are as follows: the claim status

identifiers are improper, they should all state either previously presented as they have all been amended through the prosecution process.

(8) Evidence Relied Upon

20020133387

Wilson et al

09-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication 2002/0133387 Wilson et al; Systems and Methods for End-to-End Fulfillment and Supply Chain Management. Hereinafter referred to as Wilson.

3. As to claim 7 Wilson teaches entering user information in the form of Client id(who), client location(to whom), item(what), delivery date(when) and **customers geographic region, shipping terms(how to deliver the demand) (Pg. 5 ¶41)** and cost based on type of deliver(PG. 8 ¶ 61).

Wilson further teaches populating supply information based off of the demand information that was entered(Pg. ¶ 46).

Wilson creates multiple scenarios in which the demand information can be supplied to the user(Pg. 7 ¶ 50)

Wilson identifies the most efficient process for getting the user the needed items and processes the order according the best process(Pg. 7 ¶ 51).

4. As to claims 9-12 Wilson teaches entering user information in the form of Client id(who), client location(to whom), item(what), delivery date(when) and **customers geographic region, shipping terms(how to deliver the demand) (Pg. 5 ¶41)** and cost based on type of deliver(PG. 8 ¶ 61).

Wilson further teaches populating supply information based off of the demand information that was entered(Pg. ¶ 46).

Wilson creates multiple scenarios in which the demand information can be supplied to the user(Pg. 7 ¶ 50)

Wilson identifies the most efficient process for getting the user the needed items and processes the order according the best process(Pg. 7 ¶ 51).

The customers geographical location and shipping terms are used to determine if a warehouse can make a promise to complete the order when on-time(Pg. 6 ¶ 46; g. 5 ¶ 41)

5. As to claim 8 Wilson identifies the most efficient process for getting the user the needed items and processes the order according the best process(Pg. 7 ¶ 51). AND Wilson teaches user defined accommodations that determine the flow and process of business(PG. 2 ¶ 13, Pg. 4 ¶ 35)

(10) Response to Argument

6. **Argument (A)** Reference Does not Teach "a generation sequence determined by said 1H information of said demand information".

7. The appellants first argument is directed to the examiner failing to "specifically" point out every aspect of the claimed invention according to 37 C.F.R. 1.04(c) (2). The examiner notes the rule being cited requires the examiner to "designate as nearly practicable" when a reference is complex or shows inventions other than that claimed by the invention. The examiner notes the Wilson reference is not complex and shows a supply-and -demand process as claimed by the appellant. The examiner notes the action mailed on July 3, 2007 noted section in the reference in which appellants invention was taught. For further clarification the examiner has copied and pasted the claims with explicit notations for each limitation.

registering, in a first table on said storage apparatus, demand information related to request instructions, said demand information being expressed as a combination of 5W1H-format elemental information comprising 5W information and 1H information,

said 5W information consisting of who, whom, when, where, and what information and said 1 H information consisting of how information; *entering user information in the form of Client id(who), client location(to whom), item(what), delivery date(when) and customers geographic region, shipping terms(how to deliver the demand) (Pg. 5 ¶41) and cost based on type of deliver(PG. 8 ¶ 61).*

registering, in a second table stored on said storage apparatus, supply information related to results information, said supply information being expressed as a combination of the 5WI H- format elemental information, said supply information being *Wilson further teaches populating supply information based off of the demand information that was entered(Pg. ¶ 46).*

generated by execution and completion of said demand information; creating a plurality of sets of information comprising said demand information and said supply information generated by said demand information; *Wilson creates multiple scenarios in which the demand information can be supplied to the user(Pg. 7 ¶ 50)*

registering, on said storage apparatus, a business procedure master comprising a business procedure comprising a generation sequence of said plurality of sets of information, said generating sequence determined by said 1H information of said demand information; *Wilson identifies the most efficient process for getting the user the needed items and processes the order according the best process(Pg. 7 ¶ 51).*

defining a process flow comprising a relationship among a plurality of said business procedures; *Wilson creates multiple scenarios in which the demand information can be supplied to the user(Pg. 7 ¶ 50)*

registering, on said storage apparatus, a business process flow master comprising said process flow; and executing, on said data processing apparatus, said business procedure and said process flow. *The customers geographical location and shipping terms are used to determine if a warehouse can make a promise to complete the order when on-time(Pg. 6 ¶ 46; g. 5 ¶ 41)(execution is the actual delivery to the customer).*

Appellant additionally argues that Wilson fails to teach "a generation sequence determined by 1H information of said demand information. The examiner notes for the purpose of prosecution this limitation is read as a process in which a supplier will meet the user's demand. If the consumer demanded that their product be delivered overnight Wilson's system will determine which warehouse is able to deliver the product according to the 1H(overnight) of the consumer and proceed with having the product delivered from such warehouse. A generation sequence is simply an order in which things take place. The sequence is created or established by the consumer requiring overnight delivery, at which point they Wilson process takes steps(sequence) to meet the request(1H) of the consumer.

Argument B Claims 9-12 Reference Does not Teach "a generation sequence determined by said 1H information of said demand information.

As the examiner has addressed this limitation previously the examiner will refer both the members of the board and appellant to the above response to this same argument.

Additionally, the examiner notes in both sets of arguments the appellant fails to establish how the appellants invention is different in view of the prior art of record. The appellant simply states the prior art fails to teach a "generation" sequence, but fails to establish how appellants "generation sequence" is patentably distinct from the prior art of record. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Argument B II Reference Does not Teach "said business procedure defining a generation sequence"

1. Appellant again continues to allege that the prior art fails to teach certain limitations of the claimed invention but fails to set forth how the claimed invention is patentably distinct from the prior art of record.

The identified limitation is broadly claimed interpretation that when given a broad interpretation is simple business process for how a shipping or procurement company will handle their orders as they are submitted by the consumers. The appellant argues that Wilson fails to teach a "plurality of supply and demand information" in the business procedure. However, Wilson teaches identifying a plurality of inquiries and orders with

multiple lines.(Pg. 4 ¶ 30). The process or flow can simply be interpreted as an order(relationship) in which the orders are filled. Wilson teaches filling the demand according to the order of which they were received unless other wise indicated by rush orders(Pg 9 ¶ 65). Inherently a company such as that described in Wilson will be processing more than the one order that is utilized to describe and teach the invention in detail as to how the steps are processed.

2. **Argument B III** Reference Does not Teach “ a business flow defining a relationship among a plurality of sets of said business procedures.

3. Appellant argues Wilson’s business flow (process in which an order will be fulfilled) is always the same according to Fig. 5A and 5B. However, the examiner notes that the figures describe an “if then” statement. At Ref. # 515 of Fig. 5A the question is asked as to whether the closest (to consumer) warehouse can fulfill the order according to the time constraints of the user (1H). The flow chart either proceeds to Ref. 520 in which the order can be fulfilled by the first warehouse or to 530 which additional warehouses are found that can fulfill the order.

4. The examiner notes that the appellants “limitations” that are very broad and not limited by a specific process in the disclosure. For example the terms "business process, generation sequence, business flow could be interpreted and used in any business environment and how they operate on a day to day schedule.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Traci L Casler/

Examiner, Art Unit 3629

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